

AMENDED IN SENATE APRIL 13, 1998

AMENDED IN SENATE MARCH 17, 1998

SENATE BILL

No. 1630

Introduced by Senator Rosenthal

February 12, 1998

An act to amend Section 1569.38 of, and to add Section 1569.61 to, the Health and Safety Code, relating to residential care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1630, as amended, Rosenthal. Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

Existing law requires that every substantiated complaint or substantiated citation against a residential care facility for the elderly be posted by the facility in a conspicuous place within the facility for a period of 6 months.

This bill would instead require each residential care facility for the elderly to *post place* in a conspicuous place ~~a copy of its most recent inspection report prepared by the department pursuant to specified provisions, along with a copy of each substantiated complaint or substantiated citation issued against the facility in the preceding 6 months~~ *copies of all licensing reports issued by the department within the*

preceding 12 months, and all licensing reports issued by the department resulting from the most recent annual visit of the department.

Existing law further requires a facility, during the admission process, to inform the designated responsible 3rd party in writing that substantiated complaints and substantiated citations against the facility are posted for 6 months and kept on file for public access and review, and that copies of results of department investigations and surveys of the facility are available from the appropriate district office of the department.

This bill would instead require a facility to inform the resident and the resident's responsible person, as defined, in writing that ~~inspection reports, substantiated complaints, and substantiated citations against the facility are posted and subsequently kept on file for public access and review~~ *licensing reports are available for review at the facility*, and that copies of ~~all inspections, complaints, and citations~~ *licensing reports and other documents pertaining to the facility* are available from the appropriate district office.

The bill would also require the department *to develop and maintain at each district office a public file for each facility in the district and* to develop and establish a consumer information service system containing specified elements to provide updated and accurate information to the general public and consumers regarding residential care facilities for the elderly in their communities, and would require that certain information be made available at district offices of the department's Community Care Licensing Division and through the Internet.

Since the violation of the provisions applicable to residential care facilities for the elderly is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares
2 all of the following:

3 (1) Residential care facilities for the elderly provide a
4 continuum of long-term care services that support the
5 fluctuating social and personal care needs of elderly
6 residents.

7 (2) Many consumers are not familiar with residential
8 care facilities for the elderly.

9 (3) The choice of a residential care facility for the
10 elderly often occurs during a time of great stress. Because
11 the prospective resident may have just suffered a
12 significant medical setback that prevents him or her from
13 living independently, the choice of a facility often must
14 be made within the span of a few days.

15 (4) Consumer knowledge of residential care facilities
16 will be greatly enhanced if the information developed
17 and maintained by the State Department of Social
18 Services is made available to consumers.

19 (b) It is the intent of the Legislature to provide
20 consumers with ready access to the information
21 developed and maintained by the State Department of
22 Social Services regarding residential care facilities for the
23 elderly.

24 SEC. 2. Section 1569.38 of the Health and Safety Code
25 is amended to read:

26 1569.38. (a) Each residential care facility for the
27 elderly shall ~~post~~ *place* in a conspicuous ~~place a copy of~~
28 ~~its most recent inspection report prepared by the~~
29 ~~department pursuant to Section 1569.33, along with a~~
30 ~~copy of each substantiated complaint or substantiated~~
31 ~~citation issued against the facility in the preceding six~~
32 ~~months~~ *place copies of all licensing reports issued by the*
33 *department within the preceding 12 months, and all*
34 *licensing reports issued by the department resulting from*
35 *the most recent annual visit of the department to the*

1 facility. This subdivision shall not apply to any portion of
2 a licensing report referring to a complaint that was found
3 by the department to be unfounded or unsubstantiated.
4 The facility, during the admission process, shall inform
5 the resident and the resident's responsible person in
6 ~~writing that inspection reports, substantiated complaints,~~
7 ~~and substantiated citations against the facility are posted~~
8 ~~and subsequently kept on file at the facility for public~~
9 ~~access and review at any time during normal business~~
10 ~~hours, and that copies of all inspections, complaints, and~~
11 ~~citations writing that licensing reports are available for~~
12 ~~review at the facility, and that copies of licensing reports~~
13 ~~and other documents pertaining to the facility are~~
14 available from the appropriate district office of the
15 department. The facility shall provide the telephone
16 number and address of the appropriate district office.

17 (b) For purposes of this section, "responsible person"
18 ~~has the same meaning as that term is defined by~~
19 ~~paragraph (4) of subdivision (r) of Section 87101 of Title~~
20 ~~22 of the California Code of Regulations.~~ means an
21 individual or individuals, including a relative, or
22 placement agency, who assists the resident in placement
23 or assumes varying degrees of responsibility for the
24 well-being of the resident.

25 SEC. 3. Section 1569.61 is added to the Health and
26 Safety Code, to read:

27 1569.61. (a) The department shall develop and
28 maintain at each district office a public file for each
29 facility in that district, so that upon request a consumer
30 may immediately receive all information held by the
31 department regarding that facility, except that the names
32 of individual residents shall not be disclosed.

33 (b) The department shall develop and establish a
34 consumer information service system to provide updated
35 and accurate information to the general public and
36 consumers regarding residential care facilities for the
37 elderly in their communities. The consumer information
38 service system shall include, but need not be limited to,
39 ~~all of the following elements:~~

1 ~~(1) An inquiry system accessible through a statewide~~
2 ~~toll-free telephone number.~~

3 ~~(2) The development and maintenance at each~~
4 ~~district office of a public file for each facility in that~~
5 ~~district, so that upon request a consumer immediately can~~
6 ~~receive all information held by the department regarding~~
7 ~~that facility, provided that the names of individual~~
8 ~~residents are not disclosed.~~

9 ~~(3) limited to, an on line inquiry system accessible~~
10 ~~through a statewide toll-free telephone number, through~~
11 ~~the Internet, and at the department's district offices. This~~
12 ~~on-line inquiry system shall include at least all of the~~
13 ~~following elements:~~

14 ~~(1) A profile for each residential care facility for the~~
15 ~~elderly, created and maintained by computer, which shall~~
16 ~~include data on services provided by the facility, all~~
17 ~~deficiencies and citations noted by the department in the~~
18 ~~facility during the four preceding years, and all owners~~
19 ~~and changes of ownership in the facility during the four~~
20 ~~preceding years.~~

21 ~~(4) Data created and maintained by computer of the~~

22 ~~(2) The date and amount of each citation issued, all~~
23 ~~further actions and appeals regarding each citation, all~~
24 ~~money paid by a facility toward a citation, and the current~~
25 ~~status of the citation.~~

26 ~~(5) Data created and maintained by computer of all~~

27 ~~(3) All monetary fines assessed or collected, or both, by~~
28 ~~the department related to residential care facilities for~~
29 ~~the elderly, with the capability of analyzing the data by~~
30 ~~facility, by county, and by year.~~

31 ~~(b) All information required by paragraphs (3) to (5),~~
32 ~~inclusive, of subdivision (a)~~

33 ~~(c) All information required by paragraphs (1) to (3),~~
34 ~~inclusive, of subdivision (b) shall be made available at~~
35 ~~district offices of the department's Community Care~~
36 ~~Licensing Division and through the Internet.~~

37 SEC. 4. No reimbursement is required by this act
38 pursuant to Section 6 of Article XIII B of the California
39 Constitution because the only costs that may be incurred
40 by a local agency or school district will be incurred

1 because this act creates a new crime or infraction,
2 eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section
4 17556 of the Government Code, or changes the definition
5 of a crime within the meaning of Section 6 of Article
6 XIII B of the California Constitution.

7 Notwithstanding Section 17580 of the Government
8 Code, unless otherwise specified, the provisions of this act
9 shall become operative on the same date that the act
10 takes effect pursuant to the California Constitution.

